

The House Committee on Judiciary Non-civil offers the following substitute to SB 157:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to classification and registration of sexual offenders and regulation of the conduct of such offenders, so as to revise provisions relating to registration of sexual offenders; to change certain definitions; to provide for registration and reporting by sexual offenders who do not have a residence address; to change provisions relating to nonresidents moving to Georgia; to change punishment provisions; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to classification and registration of sexual offenders and regulation of the conduct of such offenders, is amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising portions of subsection (a) as follows:

Paragraph (1) of subsection (a) is revised as follows:

"(1) 'Address' means the street or route address of the sexual offender's residence. For purposes of this Code section, the term ~~does~~ shall not mean a post office box, ~~and homeless does not constitute an address.~~"

Divisions (a)(9)(A)(i) and (a)(9)(A)(ii) are revised as follows:

"(i) Kidnapping of a minor, except by a parent, when accompanied by a sexual offense against a minor or an attempt to commit a sexual offense against a minor;

(ii) False imprisonment of a minor, except by a parent, when accompanied by a sexual offense against a minor or an attempt to commit a sexual offense against a minor;"

Divisions (a)(9)(B)(i) and (a)(9)(B)(ii) are revised as follows:

"(i) Kidnapping of a minor, except by a parent, when accompanied by a sexual offense against a minor or an attempt to commit a sexual offense against a minor;

(ii) False imprisonment of a minor, except by a parent, when accompanied by a sexual offense against a minor or an attempt to commit a sexual offense against a minor;"

Paragraph (16) of subsection (a) is revised as follows:

"(16) 'Required registration information' means:

(A) Name; social security number; age; race; sex; date of birth; height; weight; hair color, eye color, fingerprints; and photograph;

(B) Address ~~of any permanent residence and address of any current temporary residence~~, within the state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;

(C) If the place of residence is a motor vehicle or trailer, ~~provide~~ the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;

(D) If the place of residence is a mobile home, ~~provide~~ the mobile home location permit number; the name and address of the owner of the home; a description, including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;

(E) If the place of residence is a manufactured home, ~~provide~~ the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property;

(F) If the place of residence is a vessel, live-aboard vessel, or houseboat, ~~provide~~ the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;

(F.1) If the place of residence is the status of homelessness, information as provided under paragraph (2.1) of subsection (f) of this Code section;

(G) Date of employment, place of any employment, and address of employer;

(H) Place of vocation and address of the place of vocation;

(I) Vehicle make, model, color, and license tag number;

(J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status;

(K) E-mail addresses; and usernames, ~~and user passwords~~; and

(L) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release."

SECTION 2.

Said article is further amended by revising paragraph (6) of subsection (e) of Code Section 42-1-12, relating to the State Sexual Offender Registry, as follows:

"(6) Is a nonresident ~~sexual offender~~ who changes residence from ~~another state or territory of the United States~~ any other place to Georgia who is required to register as a sexual offender under federal law, military law, tribal law, or the laws of another state or territory, ~~regardless of when the conviction occurred~~ or who has been convicted in this state of a criminal offense against a victim who is a minor or any dangerous sexual offense;"

SECTION 3.

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising subsection (f) as follows:

"(f) Any sexual offender required to register under this Code section shall:

(1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;

(2) Register in person with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;

(2.1) In the case of a sexual offender whose place of residence is the status of homelessness, in lieu of the requirements of paragraph (2) of this subsection, register in person with the sheriff of the county in which the sexual offender sleeps within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state and:

(A) Provide the places where he or she sleeps, eats, and works and other places which he or she frequents; and

(B) Report every 72 hours in person to the sheriff of the county in which he or she sleeps, during the sheriff's normal business hours, and update any changes in the information required under subparagraph (A) of this paragraph;

(3) Maintain the required registration information with the sheriff of ~~the~~ each county in which the sexual offender resides or sleeps;

(4) Renew the required registration information with the sheriff of the county in which the sexual offender resides or sleeps by reporting in person to the sheriff within 72 hours prior to such offender's birthday each year to be photographed and fingerprinted;

(5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than residence address; ~~if~~ if the information is the sexual offender's

new residence address, the sexual offender shall give the information regarding the sexual offender's new residence address to the sheriff of the county with whom the sexual offender last registered within 72 hours prior to any change of residence address and to the sheriff of the county to which the sexual offender is moving within 72 hours after establishing ~~the~~ such new residence;

(6) If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff of the county where the sexual offender resides an annual registration fee of \$250.00 upon each anniversary of such registration; and

(7) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, including ensuing periods of incarceration."

SECTION 4.

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising subsection (n) as follows:

"(n) Any individual who:

(1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;

(2) Provides false information; or

(3) Fails to respond directly to the sheriff ~~within~~ of the county where he or she resides or sleeps within 72 hours ~~of~~ prior to such individual's birthday

shall be guilty of a felony and shall be punished by imprisonment for not less than ~~ten~~ one nor more than ~~30~~ ten years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by ~~imprisonment for life~~ not less than five nor more than 20 years."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.